



COMMUNITY DEVELOPMENT SERVICES

ENVIRONMENTAL MANAGEMENT DEPARTMENT

<http://www.edcgov.us/EMD/>

PLACERVILLE OFFICE:

2850 Fairlane Court
Placerville, CA 95667
(530) 621-5300
(530) 642-1531 Fax

LAKE TAHOE OFFICE:

924 B Emerald Bay Rd.
South Lake Tahoe, CA 96150
(530) 573-3450
(530) 542-3364 Fax

November 20, 2017

Ginger Mountain Lodge
Ginger Mountain Lodge, LLC
C/O Robert Durward
2264 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150

RE: GINGER MOUNTAIN LODGE (PWS NO. 0900585)
CITATION NO. 01_39_17C_011_0900585_23

Enclosed is the County of El Dorado, Environmental Management Local Primacy Agency Citation No. 01_39_17C_011_0900585_23 issued to Ginger Mountain Lodge. Please note there are certain deadlines associated with this Citation.

Any person who is aggrieved by a citation issued by the El Dorado County LPA may file a petition with the State Water Resources Control Board (State Water Board) for reconsideration of the citation. Petitions must be received by the State Water Board within 30 calendar days of the issuance of the citation. The date of issuance is the date when the El Dorado County LPA mails or serves a copy of the citation, whichever occurs first. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m. Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions, please contact Jeffrey Warren at (530) 621-7628 or by email jeffrey.warren@edcgov.us, or Karen Bender at (530) 573-3453 or by email karen.bender@edcgov.us.

Sincerely,

Jeffrey Warren, REHS
Environmental Health Program Manager

Cc: Ali Rezvani, PE
Enc.

EL DORADO COUNTY
COMMUNITY DEVELOPMENT SERVICES
ENVIRONMENTAL MANAGEMENT DEPARTMENT

TO: GINGER MOUNTAIN LODGE
2644 LAKE TAHOE BLVD
SOUTH LAKE TAHOE, CA 96150

ATTN: GINGER MOUNTAIN LODGE, LLC
ROBERT DURWARD, OWNER

CITATION FOR VIOLATION OF TITLE 22, CALIFORNIA CODE OF REGULATIONS

SECTION(s) 64423(a)(3)

WATER SYSTEM NO: 0900585

CITATION NO: 01_39_17C_011_0900585_23

ISSUE DATE: NOVEMBER 20, 2017

Section 116650 of the California Health and Safety Code (hereinafter "CHSC") authorizes the issuance of a citation to a public water system for failure to comply with a requirement of the California Safe Drinking Water Act, California Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270 (hereinafter "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

The County of El Dorado Community Development Services, Environmental Management Department (hereinafter "Department"), hereby issues a citation to the **GINGER MOUNTAIN LODGE** (hereinafter, "Water System") (mailing address 2644 Lake Tahoe Blvd, South Lake Tahoe, CA 96150) for violation of Title 22 of the California Code of Regulations ("CCR"), Sections 64423(a)(3).

1

2

3 **APPLICABLE AUTHORITIES**

4 **CHSC, Division 104, Part 12, Chapter 4, Article 1, Section 116271 (k)(2) states:**

5 (k)(2) The deputy director is delegated the State Water Resources Control
6 Board's authority to provide notice, approve notice content, approve emergency
7 notification plans, and take other action pursuant to Article 5 (commencing with Section
8 116450), to issue, renew, reissue, revise, amend, or deny any public water system
9 permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke
10 any public water system permit pursuant to Article 8 (commencing with Section 116625)
11 and to issue citations, assess penalties, or issue orders pursuant to Article 9
12 (commencing with Section 116650).

13 **CHSC, Division 104, Part 12, Chapter 4, Article 1, Section 116275 (b) & (ab) states:**

14 (b) "Department" means the state board.

15 (ab) "State board" means the State Water Resources Control Board.

16

17 **CHSC, Division 104, Part 12, Chapter 4, Article 9, Section 116650 states:**

18 (a) If the department determines that a public water system is in violation of this
19 chapter or any regulation, permit, standard, citation, or order issued or adopted
20 thereunder, the department may issue a citation to the public water system. The
21 citation shall be served upon the public water system personally or by certified
22 mail. Service shall be deemed effective as of the date of personal service or the
23 date of receipt of the certified mail. If a person to whom a citation is directed

refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

California Code of Regulations, Title 22, Section 64423(a)(3) (Routine Sampling) states in relevant part:

(a) Each water supplier shall collect routine bacteriological water samples as follows:

(3) The minimum number of samples for transient-noncommunity water systems using groundwater and serving 1000 or fewer persons a month shall be one in each calendar quarter during which the system provides water to the public.

California Code of Regulations, Title 22, Section 64424 (a) through (d) states in relevant part:

- 1 (a) If a routine sample is total coliform-positive, the water supplier shall collect a
2 repeat sample set as described in paragraph (1) within 24 hours of being notified
3 of the positive result. The repeat samples shall all be collected within the same
4 24 hour time period. A single service connection system may request that the
5 State Board Allow the collection of the repeat sample set over a four-day period.
- 6 (b) When collecting the repeat sample set, the water supplier shall collect at least
7 one repeat sample from the sampling tap where the original total coliform-
8 positive sample was taken. Other repeat samples shall be collected within five
9 service connections upstream or downstream of the original site. At least one
10 sample shall be from upstream and one from downstream unless there is no
11 upstream and/or downstream service connection.
- 12 (c) If one or more samples in the repeat sample set if total coliform-positive, the
13 water supplier shall collect and have analyzed an additional set of repeat
14 samples as specified in subsections (a) and (b). The supplier shall repeat this
15 process until either no coliforms are detected in one complete repeat sample or
16 the supplier determines that the MCL for total coliforms specified in Section
17 64426.1 has been exceeded and notifies the State Board.
- 18 (d) If a public water system for which fewer than five routine samples/month are
19 collected has one or more total coliform-positive samples, the water supplier shall
20 collect at least five routine samples the following month. If the supplier stops
21 supplying water during the month after the total coliform-positive(s), at least five
22 samples shall be collected during the first month the system resumes operation.
23 A water supplier may request the State Board waive the requirement to collect at
24 least five routine samples the following month, but a waiver will not be granted
25 solely on the basis that all repeat samples are total coliform-negative.
26

1 **Local Primacy Delegation Agreement, Section 1.02.** The Department hereby
2 delegates to the County all authority granted to it under the California Safe Drinking
3 Water Act (CHSC 116270) for regulation of small public water systems.

4 5 **STATEMENT OF FACTS** 6

7 The **GINGER MOUNTAIN LODGE** (Water System) is operated under Domestic Water
8 Supply Permit Number 0900585, issued by the El Dorado County Environmental
9 Management Department on June 30, 2017.

10 The Water System is a transient-noncommunity water system located in El Dorado
11 County that supplies water to approximately 22 guest rooms that are used for long term
12 rentals, and a manager's unit, with the total number of persons served being 23 at this
13 time. The Water System operates 365 days per year.

14 According to California Code of Regulations Section 64423(a)(3) and the approved
15 Bacteriological Sample Siting Plan dated April 25, 2016, one routine sample is to be
16 collected and analyzed for total coliform bacteria on a quarterly basis.

17 The Department sent an email reminder (gingermountainlodge@gmail.com) on
18 September 14, 2017 to take the routine bacteriological sample before September 30,
19 2017. The Water System failed to collect the third quarter bacteriological sample from
20 the distribution system as was required to be completed by September 30, 2017.

21 **DETERMINATIONS**

Based on the Statement of Facts, the System failed to collect the minimum of one routine bacteriological sample for the third quarter 2017. Consequently, the Department determined that the System violated Section 64423(a)(3) of Title 22 of the California Code of Regulations for the third quarter 2017.

DIRECTIVES

The System is hereby directed to take the following actions:

1. **Comply with Sections 64423(a)(3) of Title 22 of the California Code of Regulations in future monitoring periods.**
2. **Take four (4) "Repeat" bacteriological samples in the month of November 2017 in accordance with your Bacteriological Sample Site Plan dated April 25, 2016 to replace the missed third quarter "Routine" sample. One of these repeat samples will be taken from the source (well). Take these samples by November 30, 2017. Note that you will still need to take a quarterly "Routine" sample no later than December 31, 2017.**
3. **Within 30 days of issuance of this Citation, (by December 20, 2017) notify all persons served by the Water System of the monitoring violation for failure to sample the third quarter bacteriological sample as required by Section 64423(a)(3) of Title 22, of the California Code of Regulations. Notification shall be completed in accordance with each of the following:**

- 1 a. Posting the notification contained in Attachment “A” in conspicuous
2 locations throughout the area served by the water system.
- 3 b. Provide the notification contained in Attachment “A” by one or more
4 of the following methods to reach persons not likely to be reached
5 by the previous method:
- 6 i. Publication in a local newspaper or newsletter distributed to
7 persons served by the water system;
- 8 ii. Email notification message to employees;
- 9 iii. Posting on the internet;
- 10 iv. Direct delivery to each person served by the water system.
- 11
- 12 4. Complete and return Attachment ‘B’ “Certification of Completion of Public
13 Notification” form within 10 days of giving public notice, or no later than
14 December 30, 2017. A copy of the notice used to provide public
15 notification shall be attached to the form.
- 16
- 17 5. By December 30, 2017, submit a plan which includes details to ensure the
18 water system does not miss future routine bacteriological monitoring. The
19 plan should also include the day of the quarter the routine bacteriological
20 samples will be taken. It should be noted that choosing a sampling date in
21 the beginning of the quarter may reduce the risk of missing quarterly
22 bacteriological monitoring. If samples are missed at the beginning of the

quarter, the Water System would have ample time to collect the required sample later the same quarter.

6. Within 30 days of receipt of this Citation, and no later than December 20, 2017, the Water System shall submit a written response to the Department indicating its willingness to comply with directives of this Citation.

All submittals required by this Citation shall be submitted to the Department at the following address:

Jeffrey Warren, REHS
Environmental Management Program Manager
El Dorado County Community Development Services
Environmental Management Department
2850 Fairlane Ct., Building "C"
Placerville, CA 95667

The Division reserves the right to make such modifications to this Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation, and shall be deemed effective upon issuance.

Nothing in this Citation relieves the Water System of its obligation to meet the requirements of the California Safe Drinking Water Act (SDWA), or of any regulation, permit, standard, or order issued or adopted thereunder.

PARTIES BOUND

1 This Citation shall apply to and be binding upon the **Ginger Mountain Lodge** Water
2 System, its officers, directors, shareholders, agents, employees, contractors,
3 successors, and assignees.

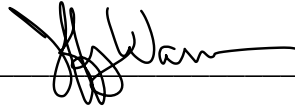
4 **SEVERABILITY**

5 The directives of this Citation are severable, and the **Ginger Mountain Lodge** Water
6 System shall comply with each and every provision thereof, notwithstanding the
7 effectiveness of any other provision.

8 **FURTHER ENFORCEMENT ACTION**

9 The California SDWA authorizes the Department to: issue citation with assessment of
10 administrative penalties to a public water system for violation or continued violation of
11 the requirements of the California SDWA or any permit, regulation, permit or order
12 issued or adopted thereunder including, but not limited to, failure to correct a violation
13 identified in a citation or compliance order. The California SDWA also authorizes the
14 Department to take action to suspend or revoke a permit that has been issued to a
15 public water system if the system has violated applicable law or regulations or has failed
16 to comply with an order of the Department; and to petition the Superior Court to take
17 various enforcement measures against a public water system that has failed to comply
18 with or violates an order of the Department. The Department does not waive any further
19 enforcement action by issuance of this citation.

1 11/20/2017



2 Date

Jeffrey Warren, REHS
Environmental Health Program Manager
El Dorado County
Community Development Services
Environmental Management Department

7 Attachments:

- 8 A. Tier 3 Monitoring Violations Notice Template
9 B. Certification of Completion of Public Notification

11 cc: Ali R. Rezvani, P.E.
12 Sacramento District Engineer
13 Division of Drinking Water
14 State Water Resources Control Board



Krista Eissinger <krista.eissinger@edcgov.us>

3rd Quarter Sampling Due

1 message

Krista Eissinger <krista.eissinger@edcgov.us>

Thu, Sep 14, 2017 at 4:24 PM

To: "Karen Bender (karen.bender@edcgov.us)" <karen.bender@edcgov.us>

Bcc: Matterhorn Motel <capjohn68@yahoo.com>, Alder Inn <wharry.michael@gmail.com>, American Conservation Experience <jjones@usaconservation.org>, Beverly Lodge <manish94lt@yahoo.com>, Deerfield Lodge <deerfieldlodge@gmail.com>, Ali Pohl <thepalis.ali@gmail.com>, Midway Motel <kuldeepsinghmand@msn.com>, Sky Lake Lodge <gingermountainlodge@gmail.com>, Heather Lake Rd Tract <jpandcoinc@sbcglobal.net>, National 9 Inn <artpanchal@yahoo.com>, Sierra Pines Camp <email@pcseba.org>, Summit Pines Apts <jordandunn530@gmail.com>, Tahoe Valley Lodge <ed@tahoevervalleylodge.com>, The Trailhead <TAHOETRAILHEAD@gmail.com>, Travel Inn <travelinn3536@gmail.com>, Hunter Water Supply System-ssws <TAHOETURNEY@hotmail.com>, MAJ Johnson <MAJSUM01@yahoo.com>, Siesta Arms Apts-ssws <harproduce@aol.com>

Hello Karen,

I'm sending this as a reminder to all of our systems that will need to take a Routine Bacteriological sample before 9/30/17 for compliance.

Thanks,

Krista Eissinger

Development Technician I

Community Development Services
Environmental Management Department
924 B Emerald Bay Road
So. Lake Tahoe, CA 96150
(530) 573-3450 / FAX (530) 542-3364
krista.eissinger@edcgov.us



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ENVIRONMENTAL MANAGEMENT DEPARTMENT

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2850 Fairlane Court
Placerville, CA 95667
(530) 621-5300
(530) 626-7130 Fax

LAKE TAHOE OFFICE:

924 B Emerald Bay Road
South Lake Tahoe, CA 96150
(530) 573-3450
(530) 542-3364 Fax

ATTACHMENT A

PUBLIC NOTIFICATION – MONITORING VIOLATION

BACTERIOLOGICAL QUALITY PROCEDURAL FAILURE

This notification of the public is being done in compliance with the California Domestic Water Quality and Monitoring Regulations as a means of keeping the public informed.

The **Ginger Mountain Lodge** failed to take and report the required routine sample for bacteriological monitoring of its drinking water during the time period of **3rd Quarter 2017 (July 1, 2017 through September 30, 2017)** as specified in Section 64423 (a) of the California Domestic Water Quality and Monitoring Regulations. The bacteriological quality of domestic water is routinely determined by testing for coliform bacteria. Coliform bacteria are indicators of potential contamination and may originate from human, animal, or soil sources. If the coliform standards are met, the water served can be considered as being bacteriologically safe. If they are not met, drinking the water may not necessarily result in illness, but that possibility exists. Routine sampling is important to periodically check water quality.

Consumers wishing more information should contact County of El Dorado Environmental Management Division at (530) 573-3450.

Manager

Date

Date Posted:_____

Post Until (7 days):_____

Public Notification must be posted no less than 7 days or as long as the violation continues, per CCR Section 64463.7.

CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION

This form when completed and returned to the County of El Dorado, Environmental Management Division, Community Development Agency serves as certification that public notification to water users was completed as required by the State Water Resources Control Board (as required per Title 22 of the California Code of Regulations). Failure to do so may result in additional hourly time charges to your water utility and may result in a formal enforcement action with monetary penalties.

Public Water System Name _____

Public Water System Number _____

Public notification for the (Month/Year) (bacteriological monitoring failure/MCL failure) was performed by the following method(s):

Check and complete all that apply:

- A) _____ By posting of the approved notice in conspicuous locations served by the water system.
- B) _____ Distributing notice by using one or more of the following methods to reach persons not likely to be reached by public posting: Email message or direct delivery.
- C) _____ Publication in a local newspaper.
- D) _____ Posting on the internet.

Provide the date (or dates) that the notice was posted/distributed _____

I hereby certify that the above information is factual.

Printed Name

Signature

Date

Return form to: County of El Dorado, Community Development Agency
Environmental Management Division
2850 Fairlane Court, Building "C", Placerville, CA 95667
FAX 530-642-1531

Or in So.Lake Tahoe: 924 B Emerald Bay Road, South Lake Tahoe, CA 96150
FAX 530-542-3364